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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2013-633*

12 **CLAUDIA JO WEST, AKA**
13 **CLAUDIA WEST**
12425 S.E. River Road, Apt. 35
14 Milwaukee, Oregon 97222

ACCUSATION

15 **Registered Nurse License No. 631275**

16 Respondent.

17
18 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about January 20, 2004, the Board issued Registered Nurse License Number
24 631275 to Claudia Jo West, also known as Claudia West ("Respondent"). The Registered Nurse
25 License expired on March 31, 2009.

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JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
4 on the grounds of unprofessional conduct, in that effective May 12, 2010, the State of Oregon
5 Board of Nursing, in a disciplinary action entitled, *In the Matter of Claudia Jo West, RN, License*
6 *No. 200640502RN*, Case No. 10-440, revoked Respondent's license as a Registered Nurse in the
7 State of Oregon pursuant to a *Final Order by Default*, attached hereto as **Exhibit A** and
8 incorporated herein by reference. The basis of such action is that on or about October 2, 2009,
9 Respondent signed a Nurse Monitoring Program agreement. Respondent failed to comply with
10 the terms and conditions of the Nurse Monitoring Program in that she tested positive for alcohol
11 and failed to submit to scheduled tests on two occasions.

12 **PRAYER**

13 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 631275, issued to
16 Claudia Jo West, also known as Claudia West;
- 17 2. Ordering Claudia Jo West, also known as Claudia West, to pay the Board of
18 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
19 pursuant to Code section 125.3; and,
- 20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: FEBRUARY 20, 2013

22 *for* Stacie Ben
23 LOUISE R. BAILEY, M.ED., R.N.
24 Executive Officer
25 Board of Registered Nursing
26 State of California
27 Complainant
28

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EXHIBIT A

Final Order by Default, Eff. May 12, 2010

In the Matter of Claudia Jo West, RN, License No.: 200640502RN, Case No. 10-440
State of Oregon Board of Nursing

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of)	
)	FINAL ORDER
Claudia Jo West, RN)	BY DEFAULT
)	
License No.: 200640502RN)	
)	Case No: 10-440

This Matter was considered by the Oregon State Board of Nursing at a regular meeting in Portland, Oregon on May 12, 2010. Claudia Jo West (Licensee) did not appear personally. On April 15, 2010, a Notice stating that the Board proposed to revoke the Registered Nurse license of Claudia Jo West was sent to the Licensee by certified mail to her address of record. This Notice alleged that Ms. West failed to comply with the terms and conditions of the Nurse Monitoring Program. The Notice granted Ms. West an opportunity for hearing, if requested within 20 days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of the records and files of the Board related to this Matter, the Board enters the following Order.

**-I-
FINDINGS OF FACT**

Based on the evidence submitted through the Notice, testimony and the agency file in this case, the Board finds the following:

- 1.1 On October 2, 2009, Ms. West signed a Nurse Monitoring Program (NMP) agreement.
- 1.2 On January 18, 2010, Ms. West submitted to a urine analysis that was positive for alcohol.
- 1.3 On January 28, 2010, Ms. West contacted Board staff and stated she would not be submitting to her scheduled urine analysis because she had been drinking alcohol most of the night.
- 1.4 On February 1, 2010, Ms. West contacted Board staff and stated she would not be submitting to her scheduled urine analysis because she had consumed alcohol over the weekend.
- 1.5 Ms. West failed to comply with the terms and conditions of the Nurse Monitoring Program.
- 1.6 On April 15, 2010, a Notice of Proposed Revocation was mailed to Ms. West at her address of record by certified mailing. The Notice granted Ms. West 20 days from the date of the mailing of the Notice to request a hearing. The Notice also informed her that the agency file would be the record for purposes of default.

Claudia Jo West, RN
Final Order by Default

1.7 Ms. West did not timely request a hearing.

**-II-
CONCLUSIONS OF LAW**

- 2.1 That the Board has jurisdiction over the Licensee, Claudia Jo West, and over the subject matter of this proceeding.
- 2.2 That Claudia Jo West defaulted on the Notice by not requesting a hearing within the allotted 20 days and as a result, pursuant to ORS 183.310 to 183.750, the Board may enter a final order by default.
- 2.3 That Claudia Jo West failed to comply with the terms and conditions of the Nurse Monitoring Program. This is grounds for revocation of licensure pursuant to ORS 678.111 (1)(f) and OAR 851-045-0070 (7)(e).

**-III-
ORDER**

Based on the foregoing Findings of Fact, Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

Ordered that Claudia Jo West's license as a Registered Nurse in the State of Oregon is revoked.

Dated this 12 day of May, 2010.

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Patricia Markesino, RN
Board President

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of the Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a Petition with the Oregon Court of Appeals for review within 60 days from the service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of) NOTICE OF PROPOSED REVOCATION
Claudia Jo West, RN)
)
)
License No. 200640502RN) Case No. 10-440
)
)

To: Claudia Jo West, RN:

The Oregon State Board of Nursing (Board) proposes to revoke your registered nursing license on the following grounds:

I

You were licensed as a Registered Nurse in the State of Oregon on February 27, 2006.

On or about October 2, 2009, you signed a Nurse Monitoring Program (NMP) agreement. You have materially violated the following terms of the NMP agreement that you signed:

- On or about January 18, 2010, you submitted to a UA that was positive for alcohol
- On or about January 28, 2010, you contacted Board staff and stated you would not be submitting to your scheduled UA because you had been drinking most of the night.
- On or about February 1, 2010, you contacted Board staff and stated you would not be submitting to your scheduled UA because you had drank over the weekend.
- You ingested alcohol in violation of the NMP agreement.
- You have failed to maintain abstinence.
- You have failed to comply with the alcohol/drug screen program.
- You have failed to schedule and submit to a chemical dependency assessment in a timely manner.

II

The above conduct constitutes conduct derogatory to the standards of nursing, and by the above actions you are subject to discipline pursuant to violations of ORS 678.111 (1)(f) and OAR 851-045-0070 (7)(e), which read as follows:

678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such

condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(7) Conduct related to the licensee's relationship with the Board:

(e) Failing to comply with the terms and conditions of Nurse Monitoring Program agreements.

The foregoing is grounds to revoke your Registered Nurse license in the State of Oregon.

Dated this 15 day of April, 2010

FOR THE BOARD OF NURSING OF THE STATE OF OREGON



Linda Fisher-Lewis, D.M., M.A.
Investigations Manager
Investigations Department

Notice of Hearing Rights and Exhibit A attached.